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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Joint statement submitted by Caritas Internationalis, Commission of the Churches on International Affairs of the World Council of Churches and Friends World Committee for Consultation (Quakers), non-governmental organizations in consultative status (category II)

The Secretary-General has received the following communication, which is circulated in accordance with Economic and Social Council resolution 1296 (XLIV).

[4 January 1994]

GE.94-15143 (E)

INTERNALLY DISPLACED PERSONS

1. At its forty-ninth session, the United Nations Commission on Human Rights adopted, without a vote, resolution 1993/95 entitled "Internally displaced persons" which was sponsored by 31 States. The resolution was introduced by the delegation of Austria and co-sponsored by Argentina, Australia, Burundi, Canada, Costa Rica, Cyprus, the Czech Republic, Denmark, Finland, France, the Gambia, Greece, Hungary, Italy, Japan, Lebanon, Lesotho, Nigeria, Norway, Peru, Poland, the Russian Federation, the Sudan, Sweden, Switzerland, the United Kingdom of Great Britain and Northern Ireland, the United States of America, Venezuela, Zambia and Zimbabwe. This resolution was warmly welcomed by non-governmental organizations since it extended the mandate of the Representative of the Secretary-General for a further two years, thus enabling the continuation of his work in this area.

2. We commend the activities undertaken by the Representative of the Secretary-General on internally displaced persons, in particular country visits and his willingness to draw to the attention of Governments and the international community the needs in particular situations to address the problems of internal displacement. Those countries which have invited the Representative of the Secretary-General are to be commended and others should be encouraged to follow their example.

3. The phenomenon of internal displacement is now recognized as being global in nature, not confined to any one region, and encompassing 25 to 30 million persons in the latest estimate of the Secretary-General's Representative (in addition to a refugee population of 18.2 million 1/). Furthermore, although there are various causes of internal displacement, the most common are internal conflicts, communal violence, forced relocation and gross violations of human rights; circumstances which are often combined in the context of civil wars. 2/

4. The response by the international community to the protection and assistance needs of internally displaced persons in all too many situations remains inadequate and uncoordinated. Given the size and global nature of the problem of internal displacement, the failure to provide the minimum level of adequate resources for this work is short-sighted in the extreme. Furthermore, coordination by the different parts of the United Nations system in their respective activities in relation to internally displaced persons is essential because there is not yet a single institution or focal point to implement or oversee the international response to the protection and assistance needs of internally displaced persons. In this context, we welcome the fact that the Representative of the Secretary-General has now been invited by the Department of Humanitarian Affairs (DHA) to attend the meetings of the task force on the internally displaced. 3/ We encourage further cooperation and coordination of all the agencies involved.

5. The World Conference on Human Rights recognized that "a comprehensive approach by the international community is needed ... This should include the development of strategies to address the root causes and effects of movements of refugees and other displaced persons ... In the light of the comprehensive approach, the World Conference on Human Rights emphasizes the importance of

giving special attention ... and finding lasting solutions to questions related to internally displaced persons...". 4/

6. In the conclusions adopted at its forty-fourth session, 5/ the UNHCR Executive Committee supported the activities of the United Nations High Commissioner for Refugees in relation to internally displaced persons in accordance with the operational criteria contained in the Note on International Protection, 6/ that in

> "(a) Situations of internal displacement where there is a direct link with UNHCR's activities under its basic mandate to protect refugees and seek solutions to refugee problems, including:
>
> (i) those where internally displaced populations are mingled with groups of returnees or are in areas to which refugees are expected to return; or
>
> (ii) those where the same causes have produced both displacement and refugee flows or there is a significant risk of cross-border movement of some or all of the internally displaced.
>
> In these situations, UNHCR will favourably consider assuming primary responsibility for the internally displaced ...
>
> (b) Other situations where the link with mandated UNHCR activities is not present or is less direct ... UNHCR may nevertheless consider involvement to relieve the causes of internal displacement and to contribute to conflict resolution through humanitarian action, but UNHCR activities would normally be supplementary to the humanitarian efforts of other international organizations."

The above-named non-governmental organizations welcome this clarification and endorsement of the role of UNHCR in relation to internally displaced persons.

7. The UNHCR Executive Committee 7/ also requested the High Commissioner, "in pursuance of the need for the international community to explore methods and means to address better within the United Nations system the protection and assistance needs of internally displaced persons, to promote further consultations on this priority issue with the Department of Humanitarian Affairs (DHA) and the Special Representative of the Secretary-General on Internally Displaced Persons" and others.

8. The General Assembly, in its resolution on internally displaced persons adopted by consensus at its forty-eighth session, not only welcomed these moves, but also invited the Representative of the Secretary-General "to present suggestions and recommendations with regard to ways and means, including the institutional aspects, of providing effective protection and assistance to the internally displaced" and called upon all Governments to facilitate his activities and encouraged them to invite him to visit their countries.

9. UNHCR, DHA, the International Committee of the Red Cross (ICRC) and non-governmental organizations address some aspects of the needs of internally displaced persons, but the absence of an effective international focal point for protection and assistance continues to render these humanitarian responses ad hoc and inadequate. We reiterate the words of the United Nations Secretary-General in his 1992 report on the Organization, "this problem has been addressed on an ad hoc basis but it is now timely to devise a clear United Nations system-wide approach to it".

10. Caritas Internationalis, the Friends World Committee for Consultation (Quakers) and the World Council of Churches consider that the response of the international community to this situation needs to be threefold, encompassing humanitarian assistance and protection to those who are internally displaced, without prejudicing the situation of those displaced across borders, and addressing the causes of displacement. The major gaps which need to be filled are:

(a) Protection in those situations which are beyond the mandate of the ICRC and outside the criteria enunciated by UNHCR (see para. 6 above); and

(b) Prevention of the causes of displacement.

11. "Violations of rights ... are a direct cause of flight. They also contribute to the development of armed conflict, which is the single biggest cause of displacement." 8/ We, therefore, believe that substantial progress could be made in these areas if international human rights and humanitarian law were respected and, when and where necessary, strictly enforced. Amongst the specific needs are:

(a) International supervision to ensure that the applicable international law is incorporated into domestic law and that violation of its provisions is accompanied by appropriate disciplinary or criminal penalties;

(b) Independent determination of whether there is an armed conflict and, if so, of what type, thus establishing the legal regime applicable, as well as strengthening the international supervision of the declaration of states of emergency and consequent derogations under international human rights law;

(c) Independent fact finding and adjudication in relation to alleged violations in non-international armed conflicts.

12. The above-named non-governmental organizations are drawing the attention of the Commission on Human Rights to these issues regarding situations of armed conflict in the context of internally displaced persons. However, an effective system of implementation of humanitarian law would be of benefit to all those affected by civil wars and internal strife, and thus also of benefit to the international community in general, especially as the provision of protection and assistance after the event is inevitably both expensive and unsatisfactory.

Notes

1/ UNHCR: State of the World's Refugees (Penguin Books, 1993), p. iii.

2/ Introductory statement by the Representative of the Secretary-General on internally displaced persons, Dr. Francis Deng, to the Third Committee of the General Assembly, 23 November 1993.

3/ Report of the Representative of the Secretary-General on internally displaced persons (A/48/579), paragraph 17.

4/ Vienna Declaration and Programme of Action, part I, paragraph 23.

5/ Report of the Forty-Fourth Session of the Executive Committee of the High Commissioner's Programme (Geneva, 4-8 October 1993). General Conclusion on International Protection 19 (s) (A/AC.96/821).

6/ Note on International Protection (A/AC.96/815), paragraph 46.

7/ Ibid, General Conclusion 19 (t).

8/ UNHCR: State of the World's Refugees (Penguin Books, 1993), p. 127.